

**City of Somerville
Licensing Commission**

**Senior Center
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday
November 16, 2009
6:00 p.m.**

MINUTES

1. Minutes of the September 30, 2009 meeting.
2. Extension of hours until 2:00AM on New Years Eve for All Forms Restaurants.

EXTENDED HOURS REVIEW

3.	<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
	12/21/05	Choices	379-381 Somerville Ave.
	12/27/05	On the Hill Tavern	499 Broadway
	09/29/05	The Independent	75 Union Sq.
	12/21/05	Casey's	171 Broadway
	09/29/05	PJ Ryan's	239-241 Holland St.
	09/29/05	Precinct	70 Union Sq.
	04/26/06	Olde Magoun Saloon	518 Medford St.
	02/26/07	The Burren	247 Elm St.
	08/27/07	Fasika	145-147 Broadway
	05/02/08	The Joshua Tree	256 Elm St.
	07/23/08	Sagra	400 Highland Ave.

COMMON VICTUALER LICENSE

4. Red Peppers
Jamilson Conceicao
67 Summer St.
5. Los Paisanos Restaurant
Jose Aldana
62 Broadway

ENTERTAINMENT LICENSE

6. Bloc II Café, 11 Bow St. requesting approval of an Entertainment license consisting of Audio and Entertainment by performers.

SPECIAL ALCOHOL LICENSES

7. Hellenic Association of Somerville requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a New Year's Eve Party on December 31, 2009 from 7PM-2AM.
8. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a World Music Crash Arts Music Concert on December 2, 2009 from 6PM-10PM.
9. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Holiday Fundraiser on December 4, 2009 from 7PM-11PM.
10. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Armory Venue Showcase on December 7, 2009 from 6PM-10PM.
11. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for David Thorne Scott Berklee Jazz Event on December 9, 2009 from 6PM-10PM.
12. The Center for the Arts at the Armory, 191 Highland Ave., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a fundraiser for Calling All Crows on December 11 & December 12, 2009 from 6PM-11PM.

ALL FORMS PACKAGE GOODS STORE

TRANSFER OF LICENSE AND LOCATION
CONTINUED FROM OCT. 19, 2009 MEETING

13. New Bombay Market, Mohammad Nurpasha, 359 Somerville Ave., requesting approval to transfer the Wine and Malt Package Goods Store License to Fauji Corporation d/b/a Farmer's Bounty, 234 Elm St.

STATUS REPORT-CONTINUED FROM OCT. 19, 2009 MEETING

14. H.I.O. Restaurant, Inc., d/b/a Café Belo, 120 Washington St. returning back before the Board with the report from Affiliated Monitors, Inc.

NEW LICENSE-CONTINUED FROM OCT 19, 2009 MEETING

15. Ty Sun Corporation d/b/a Yoshi's, 132 College Ave., requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License.

VIOLATION HEARING CONTINUED FROM OCT 19, 2009 MEETING

16. Armur, Inc., d/b/a The Joshua Tree, 256 Elm St. to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant License, 2AM Closing, Common Victualer License, Entertainment License and Dance License should not be revoked or the hours during which alcoholic beverages made be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. -When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.a. -Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body

blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was July 18, 2009.

VIOLATION

17. Armur, Inc. d/b/a The Joshua Tree, 256 Elm St., to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, 2 AM Closing, Common Victualer License, Entertainment License and Dance License of the above establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.06. b. The licensed premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Commission and the prior approval of the Commission. The floor plan shall be drawn to scale. It shall include the location and dimensions of all equipment, fixtures and furniture and otherwise be satisfactory to the Licensing Commission.

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons

who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was October 17, 2009 as reported to the City Clerks office by Somerville Police Officer D. Nardone.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT LICENSES

Change of Manager

18. Neighborhood Liquor, Inc., 163 Washington St., requesting approval for a change of manager from Aman Kalia to Izabella Kalia.

Change of Hours

19. Bread & Company, 345 Broadway requesting approval to extend the closing hours from 11PM to 1PM.

New Licenses

20. Vinny's At Night, 76 Broadway requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License. (Currently hold a Wine and Malt license).
21. The Center for Arts at the Armory, 191 Highland Ave., requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license.
22. Mariachi Foods, Inc. d/b/a El Porto Mexican Grill, 61 Union Sq. requesting approval of a New All Forms Alcoholic Beverages 7 Day License and Entertainment License consisting of Audio and Entertainment by performers.